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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/894,653	06/27/2001	Daniel Dedu-Constantin	MS146953.1	6973
27195	7590	03/30/2004	EXAMINER	
AMIN & TUROCY, LLP 24TH FLOOR, NATIONAL CITY CENTER 1900 EAST NINTH STREET CLEVELAND, OH 44114			CHEN, TE Y	
			ART UNIT	PAPER NUMBER
			2171	8

DATE MAILED: 03/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/894,653	DEDU-CONSTANTIN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Susan Y Chen	2171	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 25 February 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1- 29 is/are pending in the application.
- 4a) Of the above claim(s) 17-26,28 and 29 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-16 and 27 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- Off*
- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

***Response to Amendment***

This office action is in response to amendment filed on 02/25/2004.

Claims 1-16 and 27 are pending for examination, claims 15 and 27 have been amended.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-16 and 27, are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

As to claims 1, 8, and 27, Applicant fails to disclose the mechanism and benefits for mapping the claimed data document component and the data set component, as such, it is not enable one skilled person in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

As to claims 2-7 and 9-16, these claims have the same defects as their base claims, hence are rejected for the same reason.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-16 and 27, are rejected as best as the examiner is able to ascertain under 35 U.S.C. 102(e) being anticipated by Vandersluis (U.S. Patent No. 6,356,920).

As to claims 1, 8, 10 and 27, Vandersluis discloses a dynamic hierarchical data exchange system with method/means/executable computer program medium for accessing data [e.g., see Title, Abstract, col. 5, lines 1-42], comprising:

- a) a parser for retrieving and parsing information associated with a data source [e.g., the Parsing Code unit of Fig. 2, Steps 45, 47, Fig. 7, the XML parser at col. 11, lines 62-66];
- b) an XML data document component adapted to receive at least part of the parsed information and having a hierarchical representation information associated with

the data source [e.g. the dynamic XML hierarchical representation component (22) of the data Authoring System, Fig. 4b; Fig. 2; col. 2, lines 36-53; Steps 119-124, Fig. 12];

c) a data set component, adapted to receive part of the parsed information and having a relational presentation information of at least some of the information associated with the data source [e.g. the Data Definition Files (204, 207) of the Authoring System (203), Fig. 15, col. 5, line 56 – col. 6, line 10; Fig. 16].

As to claims 2 and 9, Vandersluis further discloses that the source data including XML document and a relational database document [e.g., col. 5, lines 19-25].

As to claims 3, 11 and 13, Vandersluis further discloses that the data set component having a structural inference component for inferring a relational structure of the source data [e.g., the XML links, col. 11, lines 44-52].

As to claims 4 and 12, Vandersluis further discloses that the data set component having a schema component receiving a schema describing a relational structure of the source data [e.g., the SQL Build Subtree schema, Fig. 11].

As to claims 5 and 14, Vandersluis further discloses a managed provider [e.g., the Hierarchical Data Server (HDS), Fig. 15] for accessing a relational database document, the managed provider providing information associated with the relational database document to at least one of the data set component [e.g. col. 5, lines 45-55].

As to claims 6 and 15, Vandersluis further discloses the system comprising a service facilitating access to the hierarchical representation of information stored in the data document component [e.g. the Drag & Drop service, col. 11, lines 37-38].

As to claims 7 and 16, Vandersluis further discloses the system comprising a designer facilitating access to the relational representation of information stored in the data set component [e.g. the Command Line Program Interface, Col. 12, lines 16-18]

#### ***Response to Arguments***

Applicant's arguments filed on 02/25/2004 have been fully considered but they are not persuasive.

With regard to the applicant assertion that the instant specification discloses the mechanism for mapping the claimed data document component and the data set component at Page 8, Line 1- Page 9, Line 13, the examiner disagrees.

In reply to these arguments, the examiner first points out that the label of the cited "data set component" is inconsistent with what is shown in Fig. 1 [e.g., see page 8, line 25 - page 9, line 13]. Furthermore, it is not understood what is it meant by "the data set component 140 (e.g., mapped to the data set component 140)" [i.e., what is the purpose to map the data set component to itself?]. In addition, the underlined statements recited by applicant fail to specify how applicant's invention is made. (i.e.,

How are the “changes” “reflected”? No detail is provided. No algorithm is provided.) Thus, one of ordinary skill artisan at the time the invention was made would not be able to make the applicant’s invention without undue the experimentation.

In response to applicant’s arguments against 35 U.S.C §102 (e) rejection, that the references fail to show certain features of applicant’s invention, it is noted that the features upon which applicant relies (i.e., a system and method facilitating a unified framework for structure/unstructured data) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Based on the combined discussions stated above, the examiner maintains the same rejections on record.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan Y Chen whose telephone number is (703) 308-1155. The examiner can normally be reached on Monday - Friday from 7:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on (703) 308-1436. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Susan Y Chen  
Examiner  
Art Unit 2171

March 25, 2004

  
UYEN LE  
PRIMARY EXAMINER